



PATENT APPLICATION
Docket No: 7927.90

#8
PL
1-24

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
James B. Loveland, et al.)	
)	
Serial No.:)	
09/386,270)	
)	
Filed:)	TERMINAL
August 31, 1999)	DISCLAIMER
)	
For:)	
GRAPHICAL METHOD AND SYSTEM FOR)	
MODELING AND ESTIMATING CONSTRUCTION)	
PARAMETERS)	
)	
Examiner:)	
Ayal I. Sharon)	
)	
Art Unit:)	
2123)	

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(C)

BOX: AMENDMENT - NO FEE
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Xactware Information Services, Inc. ("Owner"), a Utah corporation, by and through Michael F. Krieger, its attorney of record, states that it is the assignee of the entire right, title, and interest in and to the patent application identified above by virtue of an assignment from the inventor. The assignment was recorded in the United States Patent and Trademark Office at Reel 8925, Frame 0815.

Pursuant to 37 C.F.R. § 1.321(c), Owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Pat. Reg. No. 6,037,945. Owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

DATED this 10 day of January, 2003.

Respectfully Submitted,


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